

REMARKS

Claims 1, 3, 5-7, 10, 11 and 13-38 are pending in this application. Claims 17-20 and 24-29 are currently withdrawn.¹ By this Amendment, claims 1 and 10 are amended. Specifically, claims 1 and 10 are amended to recite "aggregating, in an aqueous dispersion comprising an aggregating agent." Support for this amendment may be found at least at paragraphs [0052]-[0055] of the instant specification. No new matter has been added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners McCulley and Eashoo in the April 6, 2009 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks. Specifically, claims 1 and 10 are amended to comply with the Examiner's helpful suggestions made during the interview.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 3, 5-7, 21, 23, 33, 34 and 37

Claims 1, 3, 5-7, 21, 23, 33, 34 and 37 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wang (U.S. Patent Application Publication No. 2002/0107306). Applicants respectfully traverse the rejection.

Claim 1 as amended recites a process for forming "curable powder," comprising "aggregating, in an aqueous dispersion comprising an aggregating agent," in step (a).

Wang, at paragraph [0010], describes a method of making a submicron epoxy resin dispersion by a phase inversion process. This process does *not* include aggregating, in a controlled manner with the use of an aggregating agent, the submicron particles to micron size particles.

¹ The Office Action Summary, under Disposition of Claims, indicates that claims 1, 3, 5-7, 10, 11 and 13-16 are pending, but does not list withdrawn claims 17-20 and 24-29, or pending claims 30-38.

Claim 1 also recites, in step (b), "coalescing said aggregated particles to form fused particles," and in step (d) "removing said fused particles from said aqueous dispersion."

Wang, in contrast, describes the use of functional groups to form a dispersion capable of forming covalent bonds, or crosslinking (paragraph [0022]). Further, paragraph [0026] describes compositions comprising the dispersion being applied, for example as a top coat, and *subsequently* drying and curing the composition. Thus, Wang does not describe aggregating and coalescing the particles in the dispersion, nor removing the aggregated and fused particles from the dispersion.

Wang therefore does not describe each and every element of the process of claim 1.

In addition, Wang describes at paragraph [0013] that the process "advantageously provides very fine submicron particles having a narrow particle size distribution." The small particle size "contributes to improved coating properties," and "has excellent stability during storage."

Wang, therefore, expressly indicates to a person of ordinary skill in the art that aggregation, to form larger particles, such as is required by the process of claim 1, is undesirable in view of wanting fine submicron particles. Thus, Wang actually teaches away from the process of claim 1.

The composition and process of Wang are therefore materially different from the process of claim 1. The process of claim 1 results in aggregated, fused micron sized particles. The process of Wang, in contrast, results in a dispersion of fine submicron sized particles that are neither aggregated nor fused.

For the reasons above, Wang does not anticipate the process of claim 1. Because claims 3, 5-7, 21, 33, 34 and 37 depend from and include the limitations of claim 1, claims 3, 5-7, 21, 33, 34 and 37 are also not anticipated by Wang for at least the same reasons as claim 1. Applicants respectfully request withdrawal of the rejection.

Claims 10, 11, 13-16, 22 and 23

Claims 10, 11, 13-16, 22 and 23 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wang.

Claim 10, like claim 1, recites a process for forming "curable powder," comprising "aggregating, in an aqueous dispersion comprising an aggregating agent," in step (a), "coalescing said aggregated particles to form fused particles" in step (b), and "removing said fused particles from said aqueous dispersion" in step (c).

Wang fails to describe each of the elements of claim 10, and actually teaches away from such a process, as discussed above with respect to claim 1. Wang therefore does not anticipate claim 10. Because claims 11, 13-16, 22 and 23 depend from and include the limitations of claim 10, claims 11, 13-16, 22 and 23 are also not anticipated by Wang for at least the same reasons as claim 10.

Applicants respectfully request withdrawal of the rejection.

Rejections Under 35 U.S.C. §103(a)

The Patent Office asserts several rejections under 35 U.S.C. §103(a), as follows:

(1) Claims 30 and 31 over Wang as applied to claim 1 and further in view of Davydov (U.S. Patent No. 6,491,973);

(2) Claims 32, 36 and 38 over Wang as applied to claim 1 and further in view of Patel (U.S. Patent No. 6,210,853); and

(3) Claim 35 over Wang as applied to claims 1 and 7 and further in view of Sacripante (U.S. Patent No. 5,989,629).

Because each of the rejections under 35 U.S.C. §103(a) relies upon Wang as applied to claim 1, the rejections are addressed together.

As discussed above, Wang fails to describe each and every feature of claim 1. Specifically, Wang does not describe "a curable powder" formed by "aggregating, in an

aqueous dispersion comprising an aggregating agent"; "coalescing said aggregated particles to form fused particles"; or "removing said fused particles from said aqueous dispersion".

The combinations of references cited by the Patent Office fail to describe each of the features of claim 1, and fail to provide any reason or rationale for a person of ordinary skill in the art to have formed a curable resin powder by the method of claim 1.

Davydov merely describes dry blending particles with a filler additive. Davydov does not describe aggregating and coalescing to form fused particles. Thus, the combination of Wang and Davydov does not provide any reason or rationale to have formed a curable powder by the method of claim 1.

Patel fails to describe a "curable resin." Patel describes the formation of two resin latexes, neither of which exhibit the characteristics of a "curable resin." Thus, the combination of Wang and Patel does not provide any reason or rationale to have formed a curable powder by the method of claim 1.

Sacripante also does not describe a "curable resin." Sacripante describes a sulfonated polyester resin (SPE), which does not exhibit the characteristics of a "curable resin." Thus, the combination of Wang and Sacripante does not provide any reason or rationale to have formed a curable powder by the method of claim 1.

For the reasons above, the combinations of references cited by the Patent Office fail to support a prima facie case of obviousness. Therefore, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103(a).

Rejoinder

Because claims 7-20 and 24-29 depend from and/or otherwise include all limitations of either claim 1 or claim 10, Applicants respectfully request that upon a finding of allowability of claims 1 and 10, claims 7-20 and 24-29 be rejoined as required under M.P.E.P. §821.04(a).

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-7, 10, 11 and 13-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Daniel S. Kasten
Registration No. 45,363

JAO:DSK/tca

Date: April 16, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 24-0037</p> |
|--|